

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.:
DIVISION:

CHERYL THOMPSON and STEVEN
THOMPSON, personal representatives
for the estate of CHRISTOPHER THOMPSON,

Plaintiffs,

-VS-

THE CITY OF JACKSONVILLE,
CHILDREN'S HOME SOCIETY OF
FLORIDA, FAMILY SUPPORT SERVICES
OF NORTH FLORIDA INC.

Defendants.

COMPLAINT

The Plaintiffs, CHERYL THOMPSON and STEVEN THOMPSON , as personal
representatives of the estate of Christopher Thompson, by and through the undersigned attorneys,
sue the Defendants: THE CITY OF JACKSONVILLE, CHILDREN'S HOME SOCIETY OF
FLORIDA, and FAMILY SUPPORT SERVICES OF NORTH FLORIDA INC., and allege:

JURISDICTION AND VENUE

1. This is an action for damages which exceed the sum of \$15,000.00, exclusive of
interests and costs.
2. At all material times, the Plaintiff was and is a resident of Jacksonville, Duval
County, Florida.
3. At all material times, Defendant CITY OF JACKSONVILLE was and is a

municipality organized under the laws of the State of Florida.

4. At all material times, Defendant CHILDREN'S HOME SOCIETY OF FLORIDA was and is a private, non-profit organization operating in Jacksonville, Duval County, Florida.

5. At all times FAMILY SUPPORT SERVICES OF NORTH FLORIDA was and is a private, non-profit organization operating in Jacksonville, Duval County, Florida.

6. The acts and omissions giving rise to this lawsuit occurred exclusively in Jacksonville, Duval County, Florida.

GENERAL ALLEGATIONS

7. In 2002, [REDACTED] a minor child, entered into foster care.

8. In accordance with State statute, The State of Florida contracts with private entities, so called community-based care providers, to run the foster care system in cities and counties throughout Florida.

9. At all times, Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA was and is a community-based care provider, and the lead foster care entity in Duval County, Florida.

10. At all material times, Defendant CHILDREN'S HOME SOCIETY OF FLORIDA was and is a community-based care provider, undertaking to provide foster care for children in Duval County, Florida.

11. At all material times, Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA had and has contracted with the State of Florida to provide foster care for children in Duval County.

12. At all material times, Defendant CHILDREN'S HOME SOCIETY OF FLORIDA had and has contracted, and/or subcontracted, with FAMILY SUPPORT SERVICES OF

NORTH FLORIDA to provide foster care for children in Duval County, working under the direct and daily supervision, control, oversight and direction of FAMILY SUPPORT SERVICES OF NORTH FLORIDA as to the details of its work..

13. In addition and/or in the alternative to the allegations in paragraph 12 above, at all material times, Defendant CHILDREN'S HOME SOCIETY OF FLORIDA had and has contracted with the State of Florida to provide foster care for children in Duval County.

14. At all material times, [REDACTED] foster care was primarily in Duval County, and his foster care was undertaken by Duval County community care providers.

15. At all material times, FAMILY SUPPORT SERVICES OF NORTH FLORIDA voluntarily undertook the placement, care, custody and control of [REDACTED] per agreement with the State of Florida, handling all aspects of [REDACTED] care.

16. In addition and/or in the alternative to the allegations in paragraph 15 above, at all material times, CHILDREN'S HOME SOCIETY OF FLORIDA voluntarily undertook the placement, care, custody and control of [REDACTED] per agreement with the State of Florida, handling all aspects of [REDACTED] care.

17. In addition and/or in the alternative to the allegations in paragraphs 15 and 16 above, at all material times, CHILDREN'S HOME SOCIETY OF FLORIDA voluntarily undertook the placement, care, custody and control of [REDACTED] per agreement with FAMILY SUPPORT SERVICES OF NORTH FLORIDA, handling all aspects of [REDACTED] [REDACTED] care.

18. In addition and/or in the alternative to the allegations in paragraphs 15-17 above, at all material times, CHILDREN'S HOME SOCIETY OF FLORIDA and FAMILY SUPPORT SERVICES OF NORTH FLORIDA jointly undertook the placement, care, custody and control of

[REDACTED] per their agreements with each other and the State of Florida, with both of these defendants jointly handling all aspects of [REDACTED] care.

19. At all material times, [REDACTED] displayed a consistent pattern of psychiatric problems, mental illness, ungovernable behavior, volatile behavior, violent acts towards others, Baker Act confinements, running away, extreme impulsiveness, mood swings, and arrests.

20. Throughout his placement history, and immediately prior to the death of Christopher Thompson, numerous psychiatric professionals recommended [REDACTED] be admitted to a secure inpatient treatment facility.

21. On November 23, 2011, [REDACTED] while living with Martha Kernan, took Mrs. Kernan's private vehicle without her permission.

22. On November 23, 2011, employees of the City of Jacksonville's Jacksonville Sheriff's Office engaged in a high-speed pursuit of [REDACTED] after observing him exceeding the speed limit. At the time of this pursuit, the officer(s) in this pursuit did not know that [REDACTED] had taken the vehicle in question without permission and had not observed [REDACTED] committing a violent or dangerous felony.

23. During the high-speed pursuit, officers observed one of the tires of Mr. [REDACTED] vehicle blow out.

24. Despite [REDACTED] having one blown out tire, resulting in his vehicle being partially disabled, the officers continued to engage in a high-speed pursuit.

25. Mr. [REDACTED] ran a red stoplight, crashing into a vehicle driven by Decedent Christopher Thompson, fatally injuring him.

26. At the time of his death, Mr. Thompson was a minor as defined by the wrongful

death statutes of the State of Florida.

27. An estate has been established for Christopher Thompson. CHERYL THOMPSON and STEVEN THOMPSON have been appointed the personal representatives of the estate.

28. CHERYL THOMPSON is the mother of Christopher Thompson, and is a survivor of Christopher Thompson as defined by the wrongful death statutes of the State of Florida.

29. STEVEN THOMPSON is the father of Christopher Thompson, and is a survivor of Christopher Thompson as defined by the wrongful death statutes of the State of Florida.

COUNT I
(Negligence of Children's Home Society)

30. Plaintiffs CHERYL THOMPSON and STEVEN THOMPSON reallege and adopt the allegations contained in paragraphs 1 through 29 herein, pursuant to Rule 1.130(b), Florida Rules of Civil Procedure.

31. At all material times, Defendant CHILDREN'S HOME SOCIETY voluntarily undertook the placement, care, custody and control of [REDACTED] handling all aspects of [REDACTED] care either on its own or in conjunction with Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA.

32. At all material times, CHILDREN'S HOME SOCIETY knew or should have known of [REDACTED] emotionally disturbed, ungovernable tendencies, as alleged above, due to his long history of explosive outbursts, violent behavior, running away, arrests, and mental health issues.

33. Defendant CHILDREN'S HOME SOCIETY had the following duties:

- a) To exercise reasonable care to control [REDACTED] to prevent him

from causing harm to others;

- b) To provide [REDACTED] with appropriate living conditions necessary to meet his needs due to his developmental disabilities;
- c) To provide [REDACTED] with appropriate and necessary services, pursuant to § 393.13(3)(c);
- d) To use reasonable care in the oversight and supervision of [REDACTED] to ensure that he was adequately supervised and sheltered in a safe and appropriate placement;
- e) To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- f) To outline a plan of care to handle any and all special management issues identified in [REDACTED] history;
- g) To continually assess the adequacy and safety of [REDACTED] living arrangements;
- h) To ensure that unit caseworkers make all necessary and appropriate referrals for evaluations and services;
- i) To report, investigate and take action on incidents of [REDACTED] eloping and running away from its physical custody and/or their placements;
- j) To implement reasonable safeguards to prevent [REDACTED] from eloping and running away; and
- k) To take all reasonable and necessary steps to ensure safe and secure placement for [REDACTED] given his tendencies to run away.

34. Defendant CHILDREN'S HOME SOCIETY had the ability to control [REDACTED] so as to prevent him from causing harm to others.

35. Defendant CHILDREN'S HOME SOCIETY breached their duties as outlined above by causing and/or allowing him to live with Martha Kernan, failing to place [REDACTED] in a properly controlled environment, commensurate with his history of explosive outbursts, violent behavior, arrests, running away and mental health issues, and by being otherwise negligent.

36. As a direct and proximate result of the aforesaid negligence by Defendant CHILDREN'S HOME SOCIETY, the Decedent, Christopher Thompson was killed.

37. As a direct and proximate result of the negligence of the Defendant, CHILDREN'S HOME SOCIETY, the following parties have suffered the following losses:

- a. STEVEN THOMPSON, as a parent and survivor of the Decedent, has suffered the future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death;
- b. CHERYL THOMPSON, as a parent and survivor of the Decedent, has suffered the past and future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death; and
- c. The ESTATE OF CHRISTOPHER THOMPSON has incurred medical and funeral expenses due to the Decedent's death.

WHEREFORE, Plaintiffs CHERYL THOMPSON and STEVEN THOMPSON demand judgment for damages against Defendant CHILDREN'S HOME SOCIETY in an amount in excess of \$15,000.00, exclusive of costs and interest in this action, and a trial by jury of all issues so triable.

COUNT II
(Negligence of the Family Support Services of North Florida)

38. Plaintiffs CHERYL THOMPSON and STEVEN THOMPSON reallege and adopt the allegations contained in paragraphs 1 through 29 herein, pursuant to Rule 1.130(b), Florida Rules of Civil Procedure.

39. At all material times, Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA voluntarily undertook the placement, care, custody and control of [REDACTED] handling all aspects of [REDACTED] care either on its own or in conjunction with Defendant CHILDREN'S HOME SOCIETY.

40. At all material times, FAMILY SUPPORT SERVICES OF NORTH FLORIDA knew or should have known of [REDACTED] emotionally disturbed, ungovernable tendencies, as alleged above, due to his long history of explosive outbursts, violent behavior, running away, arrests, and mental health issues.

41. Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA had the following duties:

- a) To exercise reasonable care to control [REDACTED] to prevent him from causing harm to others;
- b) To provide [REDACTED] with appropriate living conditions necessary to meet his needs due to his developmental disabilities;

- c) To provide [REDACTED] with appropriate and necessary services, pursuant to § 393.13(3)(c);
- d) To use reasonable care in the oversight and supervision of [REDACTED] to ensure that he was adequately supervised and sheltered in a safe and appropriate placement;
- e) To comply with all applicable statutes and administrative code provisions governing the care and placement of children in foster care;
- f) To outline a plan of care to handle any and all special management issues identified in [REDACTED] history;
- g) To continually assess the adequacy and safety of [REDACTED] living arrangements;
- h) To ensure that unit caseworkers make all necessary and appropriate referrals for evaluations and services;
- i) To report, investigate and take action on incidents of [REDACTED] eloping and running away from its physical custody and/or their placements;
- j) To implement reasonable safeguards to prevent [REDACTED] from eloping and running away;
- k) To take all reasonable and necessary steps to ensure safe and secure placement for [REDACTED] given his tendencies to run away; and
- l) To properly supervise its agents including CHILDREN'S HOME SOCIETY.

42. Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA had the

ability to control Zachary Lambert, so as to prevent him from causing harm to others.

43. Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA breached its duties as outlined above by causing and/or allowing him to live with Martha Kernan, failing to place Zach Lambert in a properly controlled environment, commensurate with his history of explosive outbursts, violent behavior, arrests, running away and mental health issues, by failing to properly supervise CHILDREN'S HOME SOCIETY, and by being otherwise negligent.

44. As a direct and proximate result of the aforesaid negligence by Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA , the Decedent, Christopher Thompson was killed.

45. As a direct and proximate result of the negligence of the Defendant, FAMILY SUPPORT SERVICES OF NORTH FLORIDA , the following parties have suffered the following losses:

- a. STEVEN THOMPSON, as a parent and survivor of the Decedent, has suffered the future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death;
- b. CHERYL THOMPSON, as a parent and survivor of the Decedent, has suffered the past and future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death; and
- c. The ESTATE OF CHRISTOPHER THOMPSON has incurred medical

and funeral expenses due to the Decedent's death.

WHEREFORE, Plaintiffs CHERYL THOMPSON and STEVEN THOMPSON demand judgment for damages against Defendant FAMILY SUPPORT SERVICES OF NORTH FLORIDA in an amount in excess of \$15,000.00, exclusive of costs and interest in this action, and a trial by jury of all issues so triable.

COUNT III
(Negligence of the City of Jacksonville)

46. Plaintiffs CHERYL THOMPSON and STEVEN THOMPSON reallege and adopt the allegations contained in paragraphs 1 through 29, pursuant to Rule 1.130(b), Florida Rules of Civil Procedure.

47. At all material times, the employees of the City of Jacksonville's Jacksonville Sheriff's Office ("JSO") had a duty to conduct their operations in a reasonably safe and prudent manner.

48. The employees of the JSO, by engaging in a high speed pursuit, created a foreseeable zone of risk to all individuals and vehicles in their vicinity.

49. The employees of the JSO had a duty to lessen their risk and take sufficient precautions to protect others from the harm posed by that risk.

50. The employees of the JSO breached their duty by initiating a high-speed pursuit where the sole offense was exceeding the speed limit, there was no indication that the driver was armed or a danger to the public at large, and the officers had obtained the vehicle's license plate number, along a major thoroughfare.

51. The employees of the JSO breached their duty by failing to terminate their high-speed pursuit of [REDACTED] when it became clear the pursued vehicle had become

disabled.

52. At all material times, the employees of the JSO conducted their high-speed pursuit in a manner so reckless and wanting in care as to constitute disregard of human life, human rights, safety, or the property of another.

53. At the time they initiated the pursuit, the employees of the JSO had no basis to believe that [REDACTED] had committed a forcible felony.

54. The employees of the Jacksonville Sheriff's Office conducted their high speed pursuit in contravention with written JSO policies.

55. As a direct and proximate result of the negligence of the Defendant, City of Jacksonville, the following parties have suffered the following losses:

- a. STEVEN THOMPSON, as a parent and survivor of the Decedent, has suffered the future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death;
- b. CHERYL THOMPSON, as a parent and survivor of the Decedent, has suffered the past and future loss of the support and services of the Decedent from the date of the Decedent's death; has experienced mental pain and suffering from the date of the Decedent's death; and has incurred medical and/or funeral expenses due to the Decedent's death; and
- c. The ESTATE OF CHRISTOPHER THOMPSON has incurred medical and funeral expenses due to the Decedent's death.

56. The Plaintiffs have complied with all pre-suit notice requirements as outlined in

